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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,694	01/14/2004	Petr Peterka	018926-011210US	4974

37490 7590 03/23/2005  
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EXAMINER

GYORFI, THOMAS A

ART UNIT PAPER NUMBER

2135

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/758,694

Applicant(s)

PETERKA, PETR

Examiner

Tom Gyorfi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

1. Claims 1-14 are pending examination.

### ***Specification***

2. The disclosure is objected to because of the following informalities: on page 3, line 17, Applicant uses the term "ODML". In view of the lack of a supplied definition for this term, coupled with the frequent references to the Open Digital Rights Language ("ODRL"), Examiner has construed this to be a typographical error. Appropriate correction is required.
3. The abstract of the disclosure is objected to because the term "ODML" appears in line 2. As noted above, this is construed to be a typographical error. Correction is required. See MPEP § 608.01(b).

### ***Claim Rejections - 35 USC § 101***

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 1-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims are directed exclusively toward describing a format for presenting data including copy control information, while lacking any tangible or technical embodiment. This does not satisfy the requirement of a process, machine, manufacture, or composition of matter as required by statute.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the W3C XML Schema Part 0: Primer (hereinafter "W3C"), in view of the TV-Anytime RMP Specification Drafting Process Specification Workbook (hereinafter "TV-Anytime").

Referring to claims 1, 13, and 14:

W3C teaches a method to write a definition in a language, comprising:  
using attributes to represent a substantial amount of indicators to define an element in a schema of a language (Chapter 2, Table 1);  
using elements to represent a substantial amount of indicators to define a schema in the language (Chapter 2, "2.1 Purchase Order Schema" & illustration);  
and using the schema to create a definition wherein indicators are assigned values of the elements and the attributes (Chapter 2: page 5, last two lines – page 6, lines 1-2).

W3C does not explicitly disclose that ExCCI indicators can be encoded in XML documents. However, TV-Anytime discloses that ExCCI indicators can be encoded into XML documents (page 18, section 5.3; pages 23-25, section 5.4.2.2). With respect to

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claim 13, TV-Anytime also explicitly discloses a processor for executing instructions stored in a computer-readable medium (page 5, "Security in Hardware – Hardware Protected Entity"). It would have been obvious to one of ordinary skill in the art at the time the invention was made to encode ExCCI information into an XML document in the manner disclosed by W3C. The motivation for doing so would be to provide end-to-end persistent protection of content, associated data, and user rights (TV-Anytime, page 2, line 1).

Referring to claim 2:

W3C and TV-Anytime disclose the limitations of claim 1 above. W3C further teaches determining that the given indicator is not assigned a value, and assigning a predetermined default value to the given indicator (page 11, last paragraph).

Referring to claim 3:

W3C and TV-Anytime disclose the limitations of claim 1 above. TV-Anytime further teaches wherein the definition includes Copy Control Information [CCI] (page 24, "Content Control").

Referring to claim 4:

W3C and TV-Anytime disclose the limitations of claim 1 above. W3C further teaches wherein the language includes Extensible Markup Language [XML] (W3C, Abstract et al.)

Referring to claim 11:

W3C and TV-Anytime disclose the limitations of claim 1 above. TV-Anytime further discloses wherein ExCCI indicator names are used for attribute names, and wherein ExCCI values are represented by attribute values (pages 23-25, section 5.4.2.2).

Referring to claim 12:

W3C and TV-Anytime disclose the limitations of claim 1 above. Although TV-Anytime does not explicitly disclose using ExCCI indicator name abbreviations in an XML file, abbreviations are used to describe at least some of the ExCCI indicators in the document (page 25, lines 1-10). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use abbreviations for the ExCCI indicators used in an XML file, with the motivation being that the abbreviations are easier to type, being composed of fewer characters than the full-length names.

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8. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over W3C and TV-Anytime as applied to claim 1 above, and further in view of "XrML – eXtensible rights Markup Language" by Wang et al. (hereinafter "Wang").

Referring to claim 5:

W3C and TV-Anytime disclose the limitations of claim 1 above. Neither reference explicitly teaches that the language used is XrML. However, Wang teaches that XrML is a language that can be extended using the identical schema technology disclosed in W3C (Wang, section 3.3, first paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use XrML as the language to create the ExCCI schemas and definition. The motivation for doing so would be to take advantage of the additional rights management features of XrML while retaining compatibility with established XML parsing technology (Wang, Abstract).

Referring to claim 6:

W3C, TV-Anytime, and Wang disclose the limitations of claim 5 above. Wang further teaches defining one or more extensions (Wang, section 3.3).

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over W3C and TV-Anytime as applied to claim 1 above, and further in view of "Open Digital Rights Language (ODRL) Version 1.0" by Ianella Renato (hereinafter "Renato").

Referring to claim 7:

W3C and TV-Anytime disclose the limitations of claim 1 above. Neither reference explicitly teaches that the language used is ODRL. However, Renato teaches that ODRL is a language that can be extended using the identical schema technology disclosed in W3C (Renato, page 52, first paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use ODRL as the language to create the ExCCI schemas and definition. The motivation for doing so would be to take advantage of the additional rights management features of ODRL while retaining compatibility with established XML parsing technology (e.g. page 7).

Referring to claim 8:

W3C, TV-Anytime, and Renato disclose the limitations of claim 7 above. Renato further discloses defining one or more extensions as one or more of "Duplicate", "Move", "Pause", or "Give" permissions (section 2.2), or one or more of "Format", "Quality", or "Protection" constraints (section 2.3).



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10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over W3C and TV-Anytime as applied to claim 1 above, and further in view of "OMA Rights Expression Language Version 1.0" (hereinafter "OMA").

Regarding claim 9:

W3C and TV-Anytime disclose the limitations of claim 1 above. Neither reference explicitly teaches that the language used is Open Mobile Alliance Rights Expression Language [REL]. However, OMA discloses the Rights Expression Language, in particular its reliance on XML as taught by W3C (e.g. page 19). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use REL as the language to create the ExCCI schemas and definition. The motivation for doing so would be to take advantage of the rights management features of REL while retaining the ability to be parsed by existing XML parsing technology (OMA: page 8, first paragraph).

11. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over W3C, TV-Anytime, and OMA as applied to claim 9 above, and further in view of Renato.

Referring to claim 10:

W3C, TV-Anytime, and OMA disclose the limitations of claim 9 above. Although OMA does not explicitly disclose the permissions and constraints recited in the claims, it

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does teach that the security model is derived from ODRL (page 9, lines 1-2; page 16, lines 9-10). Renato further discloses defining one or more ODRL extensions as one or more of "Duplicate", "Move", "Pause", or "Give" permissions (section 2.2), or one or more of "Format", "Quality", or "Protection" constraints (section 2.3). It would have been obvious to one of ordinary skill in the art at the time of the invention to include any of these permissions and constraints in a schema or definition intended for use with REL compliant technology. The motivation for this would be to have a file that is compatible with, and can be parsed by, both ODRL and REL parsing technology (OMA: page 8, first paragraph).

### ***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent Application Publication 2003/0220880 (Lao et al.) discloses a Networked Services Licensing System and Method using XrML, ODRL, or equivalent technologies.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:00am - 4:30pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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